

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 697 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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BHAMARLAL BABULAL KHEMSARA

Versus

REGIONAL TRANSPORT OFFICER  
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Appearance:

MR MM TIRMIZI for Petitioner  
MR DN PATEL, APP for Respondent No. 2  
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CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 23/12/1999

ORAL JUDGEMENT

- Heard learned counsel Mr. Tirmizi for the petitioner and Ld. APP Mr. D.N. Patel for the RespondentState.
2. Rule. Learned APP Mr. D.N. Patel appears and waives service of Rule for the Respondents.
  3. I have considered the facts and circumstances

narrated by the petitioner in the petition. Learned counsel for the petitioner submits that the petitioner do not want to compound the cases which re pending against

the petitioner. The learned APP for the respondents submits that if the petitioner is not willing to compound any case pending against him, the respondents will be constrained to initiate appropriate proceedings as per the provisions of the Motor Vehicles Act.

4. It is, therefore, directed that the concerned Regional Transport Officer shall process and decide the application/s in accordance with law, without compelling the petitioner to first compound any offence punishable under the Motor Vehicls Act. It is, however, clarifieed that this order does not take away the right of the authority to initiate action under sections 53 and 86 of the said Act, if it is otherwise permissible in law, subject to the right of the affected person to challenge it.

5. Rule is made absolute accordingly. Direct Service is permitted.

23.12.1999 [ C.K. BUCH, J ]

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